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ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/757,089	HAUSSMANN ET AL.
	Examiner	Art Unit	
	HUY T. NGUYEN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *7/30/04*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 7 –17,20-26,35-39 and 42 are rejected under 35 U.S.C. 102(e) as being

anticipated by Taira (US 20030113096).

Regarding claim 7, Taira discloses a   medium having a plurality of data blocks

stored therein that can be viewed by playing the medium in a medium player, the

medium comprising:

a first instruction set that instructs the medium player to play the plurality

of data blocks of the medium in a pre-determined sequence normal sequence in a

normal reproducing mode (section 0562, page 30, section 0298, page 15)

a second instruction set that instructs the medium player to play the

plurality of data blocks of the medium in response to user commands that determine the

order for playing the plurality of data blocks of the medium (section 0298, page 15,

section 0597, page 31).

Regarding claim 8, Taira further teaches that the medium comprising an

instruction set selector that determines whether the first instruction set or the second

instruction set will be used to play the plurality of data blocks of the medium since the

user can selects first instruction set or second instruction set to be played (normal play

back, special , skip or repeat playback, select chapter or title from displayed menu (

section 0298, page 15, section 0597, page 31).

Regarding claims 9 and 10 , Taira teaches using default instruction set to set

a predetermined blocks to be played (sections 0561-0562, 0298)

Regarding claim 11, Taira teaches further teaches the instruction set selector

receives an input from the user to switch to the first instruction or to the second

instruction set (section 0298, page 15, section 0597, page 31)..

Regarding claim 12 Taira teaches the user commands are chosen from a menu

by the user (section 0298, page 15, section 0597-0602, page 31)..

Regarding claim 13, Taira further teaches that the medium is a digital video

disc.·

Regarding claim 14, Taira further teaches that the medium player is a digital

video disc player (Figs 63,64).

Regarding claim 15, Taira further teaches the medium player is operable with a video display that can display the plurality of data blocks of the medium (Figs . 63,64).

Regarding claim 16, Taira teaches further teaches the plurality of data blocks include at least one movie .

Regarding claim 17, Taira further teaches   fails to specifically teaches that the medium further includes trailers   (section 0298 page 15).

Regarding claims 20 and 21   Taira teaches the instruction   sets instruct a controller of the medium player (Fig. 63,64).

Regarding claim 22, Taira   teaches a method of playing a plurality of data blocks of a medium, the method comprising:

automatically playing the plurality of data blocks of the medium in a pre determined sequence (section 0557 to 0562, page 30). .

upon receiving an input from a user, interrupting the playing of the plurality of data blocks of the medium in the pre-determined sequence (section 0594 to section 0603, page 30)column 34, lines 30-68;

providing a menu to the user so that the user can select the plurality of data blocks of the medium that the user would like to view (section 0594 to section 0603, page 30).

playing the plurality of data blocks of the medium that the user has chosen from the menu (section 0594 to section 0603, page 30).

Regarding claim 23, Taira teaches   the medium is a digital video disc (page 30,
Figs 63,64).

Regarding claim 24, Taira teaches the plurality of data blocks of the digital video
disc are played using a digital video disc player (Figs. 63,64).

Regarding claims 25 and 26, Taira teaches the plurality of data blocks include
at least one movie and Trailer (section 0298, page 15)..

Regarding claim 35, Taira   discloses a method of selecting a mode for
displaying the contents of a medium, the method comprising:

displaying the contents of a medium in a first mode (normal reproducing mode)
according to a first set of instructions, wherein the first set of instructions instructs the
displaying the contents of the medium to be effectuated in a predetermined sequence
(sections 0557-0562, page 30, 0298, page 15).

upon receiving a user input, selecting a second mode, wherein the user
can select the contents of the DVD to be displayed through a user input (section 0594
to section 0603, page 31). and

after receiving the user input, displaying the contents of the medium in the
second mode according to a second set of instructions (section 0594 to section 0603,
page 31).

Regarding claim 36, Taira further teaches the second set of instructions allows a the user to determine an order of viewing the contents of the medium(section 0594 to section 0603, page 31.

Regarding claim 37, Taira further the medium is a digital video disc (page 30)page 30, Figs. 63,64).

Regarding claim 38, Kikuchi further teaches wherein the user inputted is effectuated by making a selection from a menu section 0594 to section 0603, page 31).

Regarding claim 39, Taira teaches a method of viewing the contents stored on a medium, the method comprising:

automatically playing a first set of data blocks of the medium in a pre ordered viewing mode (section 0557-0561, page 30, section 0298, page 15);

upon receiving an input from a user, interrupting the pre-ordered viewing mode (section 0594,0602, page 31);

providing a menu to the user so that the user can select either the pre ordered viewing mode or a standard viewing mode, wherein the user can select a subset of a second set of data blocks to view in the standard viewing mode (section 0594,0602, page 31;

resuming the playing of the first set of data blocks at the point of interruption in the pre-ordered viewing mode if the user selects the pre-ordered viewing

mode((section 0597, page 31;

initiating the playing of the subset of the second set of data blocks in the

standard viewing mode at the point of interruption in the first set of data blocks if the

user selects the subset of the second set of data blocks to coincide with the first set of

data blocks (sections 0597-0603, page 31); and

initiating the playing of the subset of the second set of data blocks in the

standard viewing mode at the beginning of the subset of the second set of data blocks if

the user selects the subset of the second set of data blocks such that the subset of the

second set of data blocks does not coincide with the first set of data blocks (section

0597-0603).

Regarding claims 42, Taira further teaches the medium is a digital video disc

3.   Claims 29-31 and 33-34 are rejected under 35 U.S.C. 102(b) as being

anticipated by Hirayama e al (5,630,006).

Regarding claim, 29, Hirayama teaches a method of playing a plurality of data

blocks of a medium in a user

friendly manner, the method comprising:

providing a menu to a user for selecting the plurality of data blocks of the

medium to be viewed; and

upon not receiving an input within a pre-determined time interval from the user

selecting the plurality of data blocks of the medium to be viewed, automatically playing

the plurality of data blocks of the medium in a pre-determined sequence (column 10,

lines 25-55).

Regarding claim 30, Hirayama   The method of claim 29, further comprising

upon receiving an input from the user (stop or pause operation) after the pre-determined

time interval, interrupting the playing of the plurality of data blocks of the medium in the

pre-determined sequence.

Regarding claims 31, Hirayama further teaches to teaches providing a menu to

the user so that the user can select either the plurality of data blocks of the medium that

the user would like to view or to continue viewing the plurality of data blocks of the

medium in the pre-determined sequence (column 10, lines 35-55).

Regarding claim 33, Hirayama further playing the plurality of data blocks of the

medium that the user has chosen from the menu (column 10, lines 35-55).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 18,19 , 27,28 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira (20030113096) in view of Mock (20040136698).

Regarding claims 18, 27, and 40 and 41 , Taira fails to teaches the medium further includes bonus material . However, it is noted providing a medium with bonus material is well known in the art and as taught by Mock (See Mock, page 12, column 1 Fig 8). It would have been obvious to one of ordinarily skill in the at to modify Taira with Mock by providing the medium of Taira with bonus material as an addition title of the medium.

Regarding claims 19, and 28, Taira as modified with Mock further teaches the plurality of data blocks include at least one sneak peak (See Mock , Fig. 8).

6.   Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Taira (20030113096) in view of Hirayama et al (5,630,006) .

Regarding claim 1, Taira discloses an apparatus for performing a method for automatically playing the contents of a digital video disc, the method comprises :

linking the contents of the digital video disc in a sequence (sections 0557-0564 , page 30);

upon receiving an input from a user, interrupting the playing of the plurality

of data blocks of the medium in the pre-determined sequence   (section 0298 page 15).

providing a menu to the user so that the user can select the plurality of data blocks of the medium that the user would like to view (sections 0594 0597,page 31).

playing the plurality of data blocks of the medium that the user has chosen from the menu (section 06-2-0604, page 31) .

Taira fails to teach a control means for setting a predetermined timeout of the menu and for proceeding playing a sequence after the predetermined timeout lapsed .

Hirayama teaches an apparatus having a control means providing a main menu with a pre-determined timeout and proceeding to play the contents of the DVD in sequence after the pre determined timeout has lapsed without any interaction from a user (column 10, les 25-55).

It would have been obvious to one of ordinary skill in the art to modify Taira Kikuchi with Hirayama by providing Kikuchi apparatus with a control means as taught by Hirayama for providing the menu with a predetermined timeout and form

processing playing a sequence of content of the DVD as an alternative to the method of playing the content of Taira .

Regarding claim 2, Taira further teaches that the medium further includes trailers (section 0298, page 15) and the trailer can be played prior at to display of the main menu since Taira teaches that the play order of a trailer, title or menu can be set by a software producer (section 0298 page 15, section 0557 - 0562, page 30).

6. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira (20030113096) in view of Hirayama as applied to claims 1 above, further in view of Mock (20040136698).

Regarding claims 3-6, Taira fails to teaches the medium further includes bonus material , sneak peak, deleted scene and still gallery . However, it is noted providing a medium with bonus material, deleted scene, still gallery , sneak peak is well known in the art and as taught y by Mock (See Mock, Fig 8 page 12).It would have been obvious to one of ordinarily in the at to modify Taira with Mock by providing the medium of Taira with bonus material as an addition title of the medium .

Taria as modified with Mock further teaches displaying , bonus material, deleted scene , still gallery, sneak peak after the display of the feature since Taira teaches the display order of the predetermined title or chapter can be set by a software producer (section 0298 page 15, section 0557 - 0562, page 30).

7.   Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hirayama in view of Taira (20030113096).

Regarding claims 32 and 34, Hirayama fails to specifically teaches resuming the

playing of the plurality of data blocks at the point of interruption if the user interrupts the

playing to view the menu.

Taira teaches apparatus having mans for resuming the laying f a plurality of

data blocks at the point of the interruption (section 0597). It would have been obvious

to one of ordinary skill in the art to modify Hirayama with Taira by using a control

means as taught by Taira with Hirayama apparatus for resuming the play of a

plurality of blocks at the point of interruption thereby enhancing the capacity of the

apparatus of Hirayama.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Tsujimoto teaches   DVD player having control means for

control the display of the menu and contents of DVD.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HUY T. NGUYEN whose telephone number is (571)

272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Groody can be reached on (571) 272-7950. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

H.N

HUY NGUYEN
PRIMARY EXAMINER